

REMARKS

Claims 1-23 were originally filed in the present application.

Claims 1-23 were previously cancelled.

Claims 24-46 are pending in the present application.

Claims 24-46 were rejected in the June 12, 2006 Office Action.

No claims have been allowed.

No claims are amendeded herein

Claims 24-46 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Sections 1 and 2 of the June 16, 2006, Office Action, the Examiner rejected Claims 24-34, 37-43, 45 and 46 under U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,157,828 to *Krishnamurthi* (hereafter, "*Krishnamurthi*") in view of U.S. Patent No. 5,825,867 to *Epler, et al.* (hereafter, "*Epler*"). In Section 3 of the Office Action, the Examiner rejected Claim 35 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of *Epler* and further in view of U.S. Patent No. 5,884,196 to *Lekven et al.* (hereafter, "*Lekven*"). In Section 4 of the Office Action, the Examiner rejected Claim 36 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of *Epler* and further in view of U.S. Patent No. 6,108,563 to *Shishino* (hereafter, "*Shishino*"). In Section 5 of the Office Action, the Examiner rejected Claim 44 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of *Epler*, further in view of *Lekven*, and further in view of *Shishino*. The Applicants respectfully traverse the rejection of Claims 24-46.

The Examiner's proposed combination of the *Krishnamurthi* and *Epler* references is improper, because the *Epler* reference teaches away from the invention as recited in the claims of the present application. As such, there is no suggestion or motivation in the references to combine the references in manner proposed by the Examiner.

The *Krishnamurthi* reference describes a system wherein a mobile station is connected to a landline party while another landline party waits on hold. *Krishnamurthi: col. 5, lines 48-49*. When the connected landline party terminates the call, a mobile switching center receives a release message from a landline network serving the connected party. *Krishnamurthi: col. 5, lines 49-51*. The mobile switching center then sends a message to the mobile station indicating that party on hold is still connected, which the user answers in order to be reconnected to the party on hold. *Krishnamurthi: col. 5, lines 51-65*. The Examiner acknowledges that the *Krishnamurthi* reference does not teach that, after a call waiting notification is sent to a mobile station by a base station and prior to the new second call being put through to the mobile station, a clear request message is sent by the base station in response to a release order sent by the mobile station.

The Examiner asserts that this shortcoming of the *Krishnamurthi* reference is overcome by the teaching of the *Epler* reference. The *Epler* reference describes a call waiting system for use with a conventional wired telephone system. *Epler: Figs. 1 and 3; col. 3, lines 6-16*. If a caller attempting to call a user who is already engaged in a call chooses to wait for the first call to end, the system monitors the first call until it ends. *Epler: col. 14, line 58, to col. 15, line 3*. However, when the user hangs up on the first call, the *Epler* reference teaches that the system responds by

“instruct[ing a] switch to seize an available outbound channel and to dial out to the user’s phone.”

That is, the teaching of the *Epler* reference is to terminate the first call and then establish a new call to connect the user to the second caller.

In contrast, Claim 24 recites maintaining resource allocations designated for a first call while alerting a mobile station that a second call is waiting. As such, the *Epler* reference teaches away from the limitations recited in Claim 24 and there is no suggestion or motivation, either in the *Krishnamurthi* and *Epler* references or in the knowledge generally available to one of ordinary skill in the art, to modify the *Krishnamurthi* reference or to combine the reference teachings.

Therefore, independent Claim 24 contains unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in the *Krishnamurthi* and *Epler* references, alone or in combination. This being the case, Claim 24 is patentable over the cited references. Additionally, independent Claims 28, 32 and 41 contain limitations that are analogous to the unique and non-obvious limitations recited in Claim 24. This being the case, Claims 28, 32 and 41 also are patentable over the cited references.

The Applicants respectfully assert that the *Lekven* and *Shishino* references do nothing to overcome the shortcomings of the *Krishnamurthi* and *Epler* references with respect to the unique and non-obvious limitations in Claims 24, 28, 32 and 41. Dependent Claims 25-27, 29-31, 33-40 and 43-46 depend from independent Claims 24, 28, 32 and 41, respectively, and contain all of the unique and non-obvious limitations recited in their base claims. Thus, Claims 25-27, 29-31, 33-40 and

43-46 also are patentable over the *Krishnamurthi*, *Epler*, *Lekven* and *Shishino* references, alone or in combination.

SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

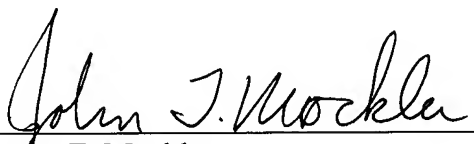
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 8 Sept. 2006

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